

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION**

In re:

2nd Chance Investment Group, LLC,

Debtor(s).

Case No.: 8:22-bk-12142-SC

CHAPTER 11

**ORDER RE (1) CLOTEE DOWNING'S
OMNIBUS MOTION FOR APPOINTMENT OF
PRO BONO COUNSEL PER FRCP RULE
17(C)(2), AND FOR RELIEF FROM ORDER
AUTHORIZING SALE OF REAL PROPERTY
(DOC 313) UNDER FRCP RULE 60(b)(2), (3),
(4) and/or (6), OR IN THE ALTERNATIVE,
(d)(3) [DK. 445]; and (2) CLOTEE
DOWNING'S EX PARTE MOTION TO
CONTINUE HEARING TO AUGUST 2025,
AND TO IMMEDIATELY APPOINT
COUNSEL [DK. 467]**

Vacated Hearing:

Date: March 12, 2025

Time: 1:30 PM

Courtroom: 5C

The Court, having considered Clotee Downing's Omnibus Motion For
Appointment of Pro Bono Counsel Per FRCP Rule 17(C)(2), and For Relief From Order
Authorizing Sale of Real Property (Doc 313) Under FRCP Rule 60(B)(2), (3), (4) And/Or

(6), Or In The Alternative, (D)(3) filed November 20, 2024 [Dk. 445] (“Reconsideration Motion”), Clotee Downing’s Ex Parte Motion To Continue Hearing To August 2025, And To Immediately Appoint Counsel filed February 19, 2025 [Dk. 467] (“Motion to Continue”) (collectively, Motions), all relevant pleadings, the docket as whole, and for the reasons stated below, finds good cause to DENY the Reconsideration Motion, DENY the Motion to Continue as it is moot, and VACATE the March 12, 2025 hearing.

Geoff Trapp (“Mr. Trapp”) signed and filed the Reconsideration Motion and Motion to Continue as “An Incompetent Person Without a Representative, suing by her Next Friend Geoff Trapp as permitted by FRCP Rule 17(c)(2).” Mr. Trapp, however, has failed to provide evidence that he is authorized and legally permitted to represent Ms. Downing before this Court. As previously noted by the Court, his representation of Ms. Downing, without counsel, constitutes the unauthorized practice of the law by Mr. Trapp.¹ Dk. 328; See e.g., *Schmitz v. Asman*, 2024 U.S. Dist. LEXIS 101796, at *9 (E.D. Cal. June 7, 2024), *vacated on other grounds* (“a non-attorney guardian ad litem must have counsel in order to litigate a case”). While Mr. Trapp has not been appointed a next friend, a guardian ad litem, or a conservator, even if he had been, as a non-attorney, he is not permitted to practice law on behalf of others. *Berrios v. N.Y.C. Hous. Auth.*, 564 F.3d 130, 134 (2d Cir. 2009) (“If the representative of the minor or incompetent person is not himself an attorney, he must be represented by an attorney in order to conduct the litigation.”).

Further, Mr. Trapp’s reliance on FRCP 17 is misplaced. FRBP 7017, in relevant part, makes FRCP 17 applicable in adversary proceedings. The Motions, however, are filed in the main case, not in an adversary proceeding, and so FRCP 17 is inapplicable. Additionally, FRCP 17 pertains to the appointment of a next friend or guardian ad litem,

¹ In an order entered December 5, 2023 [Dk. 329], this Court previously noted that Mr. Trapp’s presentation of motions before the Court constituted the unauthorized practice of law. Further, the Court notes that an appeal filed in adversary 8:24-ap-01105 was dismissed by the United States Bankruptcy Appellate Panel of the Ninth Circuit as Mr. Trapp failed to timely respond to the BAP Clerk’s Order requiring Mr. Trapp to file a response explaining in what capacity he was representing Clotee Downing in the appeal and what authority authorized him to prosecute an appeal on Clotee Downing’s behalf. Adv. 8:24-ap-01105, Dk. 45.


1 not the appointment of counsel. FRCP 17(c)(2); *Tackett v. United States HHS*, 2021
2 U.S. Dist. LEXIS 251119, at *4 (D. Mont. May 7, 2021). Therefore, Mr. Trapp's request
3 for counsel to be appointed is denied.

4 Accordingly, the Court finds good cause to order as follows:

- 5 1. The Reconsideration Motion is DENIED.
- 6 2. Geoff Trapp's request for the appointment of counsel is DENIED.
- 7 3. The Motion to Continue is DENIED.
- 8 4. The March 12, 2025 hearing is VACATED.
- 9 5. Geoff Trapp is cautioned that any further pleadings filed by him personally,
10 without counsel, on behalf of Clotee Downing may result in the Court issuing
11 an order to show cause as to why such pleadings should not be rejected for
12 the unauthorized practice of law.

13 **IT IS SO ORDERED.**

14
15
16
17
18
19
20
21
22
23
24
25 Date: March 10, 2025


Scott C. Clarkson
United States Bankruptcy Judge

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*) **ORDER RE (1) CLOTEE DOWNING'S OMNIBUS MOTION FOR APPOINTMENT OF PRO BONO COUNSEL PER FRCP RULE 17(C)(2), AND FOR RELIEF FROM ORDER AUTHORIZING SALE OF REAL PROPERTY (DOC 313) UNDER FRCP RULE 60(b)(2), (3), (4) and/or (6), OR IN THE ALTERNATIVE, (d)(3) [DK. 445]; and (2) CLOTEE DOWNING'S EX PARTE MOTION TO CONTINUE HEARING TO AUGUST 2025, AND TO IMMEDIATELY APPOINT COUNSEL [DK. 467]** was entered on the date listed above and will be served in the manner indicated below:

I. SERVED BY THE COURT VIA U.S. MAIL: A copy of this notice and a true copy of this judgment or order was sent by U.S. Mail, first class, postage prepaid, to the following person(s) and/or entity(ies) at the address(es) indicated below:

Clotee Downing
2551 East Avenue S, Suite G-166
Palmdale, CA 93550

Geoff Trapp
2551 East Avenue S, Suite G-166
Palmdale, CA 93550